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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,258	11/10/2003	Steven L. Ingalsbe	1-21896	3208
27210	7590	10/04/2005	EXAMINER	
MACMILLAN, SOBANSKI & TODD, LLC ONE MARITIME PLAZA - FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/705,258

Applicant(s)

INGALSBE ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on various is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 14, 2005 has been entered.

*Election/Restrictions*

3. Applicant's election without traverse of Species I shown in Figs. 1-3 in the reply filed on December 13, 2004 has been acknowledged.

*Drawings*

4. The replacement drawing filed April 18, 2005 is objected to because it shows modified forms of construction in the same view.
5. The drawings are objected to because they fail to show:
  - a. The components of the constant velocity joint 10 assembled as described at page 7, line 3 and as recited in the claims.
  - b. A web or webs engaging a surface(s) as recited in claims 16, 17, 19, 21 & 23.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### *Specification*

7. The specification is objected to because the detailed description fails to provide proper antecedent basis for the subject matter of claim 23. In the description the first and second webs 32 & 38 are disclosed alternately engaging respective surfaces, not cumulatively as recited in the claim.

*Claim Rejections - 35 USC § 112*

8. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 18 recites that the web has a surface area that is substantially smaller than the surface upon which it is provided. Applicant has not pointed out where this limitation is supported, nor does there appear to be a written description of the limitation in the application as originally filed.. To the contrary, Figs. 1-3 show that each web 32, 38 has a footprint whose surface area (i.e. the surface upon which the web is provided) that is no different the surface area of the web itself. Furthermore, if one takes into account the surface area of the sides of the web, the surface area of the web is **greater** than the surface upon which the web is provided.

*Claim Rejections - 35 USC § 102*

9. Claims 16, 17, 19, 20 & 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Welschhof, US 4,156,353. Figs. 1-4 show a constant velocity joint comprising: an outer race 1 with an opening defining an inner surface 11 having a plurality of grooves 2 formed therein; an inner race 3 defining an outer surface 9 having a plurality of grooves 4 formed therein; a cage 6 extending between the outer race and the inner race, the cage having an outer surface 10, an inner surface 8 and a plurality of ball receiving apertures 7; a plurality of webs 19, 20 formed on the outer surface of the inner race that engage the inner surface of the cage; and a ball 5 disposed

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in each ball receiving aperture of the cage. Figs. 2 & 4 show the webs extend generally parallel to the constant velocity joint's axis of rotation.

10. Claims 16-18, 21 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Welschof, US 5,026,325. Figs. 1 & 2 show a constant velocity joint comprising: an outer race 101 with an opening defining an inner surface having a plurality of grooves 117 formed therein; an inner race 102 defining an outer surface having a plurality of grooves 118 formed therein; a cage 104 extending between the outer race and the inner race, the cage having an outer surface, an inner surface and a plurality of ball receiving apertures; a plurality of webs 105, 106 provided on the inner and outer surfaces of the cage that engage (see col. 6, lines 23 & 26) the outer surface 108, 110 of the inner race and the inner surface 109, 111 of the outer race; and a ball 103 disposed in each ball receiving aperture of the cage.

11. Claims 16-18 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Welschof, US 4,008,582. Figs. 1 & 2 show a constant velocity joint comprising: an outer race 1 with an opening defining an inner surface 2 having a plurality of grooves 3 formed therein; an inner race 6 defining an outer surface 9 having a plurality of grooves 7 formed therein; a cage 5 extending between the outer race and the inner race, the cage having an outer surface 8, an inner surface 10 and a plurality of ball receiving apertures (see also col. 3, line 24); a plurality of webs 11 provided on the inner surface of the outer race that engage the outer surface of the cage; and a ball 4 disposed in each ball receiving aperture of the cage. Fig. 1 shows the webs 11 extend generally parallel to the constant velocity joint's axis of rotation.

12. Claims 16-18, 21, 22 & 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 199 58 719 (see also its U. S. equivalent, US 6,922,897).

*Allowable Subject Matter*

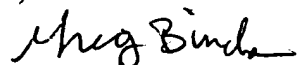
13. Claims 23 & 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GREGORY J. BINDA**  
**PRIMARY EXAMINER**